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ABSTRACT

Federal law now allows billions of education dollars, for a variety of programs, to go to states under a single, consolidated state plan. The goal is to develop integrated, coordinated plans for meeting the requirements of the various programs in a way that best serves children's educational needs. Achievement of that goal depends a great deal on the terms that the U.S. Department of Education (ED) established for developing and reviewing the plans. This document contains a review, which was conducted by the Center for Law and Education (CLE), of the consolidated plan process to date. CLE studied the legislation and legislative history for consolidated state planning; analyzed the proposed and final criteria for preliminary consolidated state plans, reviewed the plans submitted by the states and ED's responses to those plans; interviewed selected state officials involved in planning; analyzed the proposed and final criteria for final consolidated state plans; and attended ED-sponsored state meetings. The review found that the process set up by ED is not adequate to the task of developing a consolidated plan process. Key findings include the following: (1) Because of ED's lack of guidance, billions of federal dollars for programs that are critical to the education of children are being spent this year (1995-96) without any real plan at all; (2) while there will be plans for 1996-97 and beyond, those plans also are likely to fall short of meeting the goals and requirements of law or the needs of students; (3) the guidelines undermine, and are inconsistent with, key provisions for ensuring equity in education and (4) parents and the public are excluded from meaningful involvement in the plan. CLE is concerned that the rhetoric of "flexibility" and the fear of "mandates" have become so pervasive that key provisions for program quality, equity, and participatory planning go unimplemented and that clear, continued patterns of low achievement, disparities in the education provided to disadvantaged children, and lack of real parent involvement go ignored. Stripping federal programs of adequate structure and oversight--of the provisions designed to promote and ensure program quality, equity, and participatory planning--does not promote reform. Rather, it protects business as usual in education to the detriment of children and the nation. (LMI)

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ED 460 418

EXECUTIVE SUMMARY

Consolidated State Planning: SCHOOL REFORM AT RISK

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I. Overview

Federal law now allows billions of education dollars, for a variety of programs, to go to States under a single, consolidated State plan. The goal is to develop integrated, coordinated plans for meeting the requirements of the various programs in a way which best serves children's educational needs. Whether that worthy goal is met, however, depends a great deal on the terms the U.S. Department of Education (ED) establishes for developing and reviewing the plans.

The Center for Law and Education (CLE) has conducted a review of the consolidated plan process to date. CLE's review demonstrates that the process set up by ED is not adequate to the task. It already has resulted in State plans for spending those billions in 1995-96 in ways which do not:

- fulfill the requirements of law;
- meet the needs of children;
- provide real opportunities for parents, teachers and other educators, and the public to meaningfully comment on and be involved in development of the plan.

ED has tried to come up with a more meaningful plan for 1996-97 onward, but the process is still flawed and will likely result in plans for subsequent years with similar inadequacies.

Inadvertently, the process to date does bestow one benefit as a byproduct -- a preview of the likely impact of block grants in education, since the money was handed out almost as if block grants already had been enacted. The result is not encouraging. But at least we are on notice, while there is still time to adjust.

II. Background: The Federal/State Process and What CLE Analyzed

On October, 20, 1994, the Improving America's Schools Act (Public Law 103-382) was signed into law. It rewrote the Elementary and Secondary Education Act. As part of the new law, Congress authorized consolidated State plans. The stated purpose of this provision is "to improve teaching and learning by encouraging greater cross-program coordination, planning, and service delivery under the Act and enhanced integration of programs under this Act with educational activities carried out with State and local funds." The Act requires that each of the programs included in a consolidated plan must still be carried out in compliance with the specific requirements for that program.

ED decided to allow States who wished to do so to file "preliminary" consolidated State plans for the 1995-96 school year -- rather than either a final consolidated State plan or plans for individual programs. ED issued draft guidance on January 13, 1995, and final guidance on April 20, 1995, for these preliminary plans. Forty-eight States, along with Puerto Rico and the District of Columbia, submitted consolidated State plans for 1995-96 under this "preliminary" option, and all were ultimately approved by ED. These preliminary plans are the governing plans for the 1995-96 school year.

On December 4, 1995, ED distributed to the States for comment its draft criteria for submitting "final" consolidated State plans, covering the 1996-97 school year through the 1999-2000 school year, unless the States later amends them. Notice of a revised version of the guidance for final plans was published in the Federal Register on February 13, 1996. These criteria were approved in final form, with some additional changes, by the Office of Management and Budget on March 22, 1996. States' final plans will be due on May 15.

CLE has: studied the legislation and legislative history for consolidated State planning; analyzed the proposed and final criteria for preliminary consolidated State plans; reviewed the plans submitted by the States and ED's responses to those plans; interviewed selected State officials involved in planning; analyzed the proposed and final criteria for final consolidated State plans; and attended ED-sponsored State meetings on the plans, most recently on March 28-29, 1996.

In addition, CLE provided ED with a draft of this report for review prior to publication. ED's comments do not dispute the essential accuracy of CLE's analysis of the plans submitted for this school year or the results of the interviews with State officials. ED believes, however, that CLE's findings on the preliminary plan process cannot be extended to the State plans to be submitted under the new criteria for next year. The final version of this reported has been amended to address those comments. As discussed herein, CLE continues to believe that the lessons we have drawn from the study for the future remain on point.

III. Key Findings

A. Because of lack of guidance, billions of federal dollars for programs which are critical to the education of children are being spent this year without any real plan at all.

Under the criteria issued by ED for preliminary consolidated State plans, there is nothing remotely resembling a real plan for carrying out federal programs during the 1995-96 school year. The *only* question that asks for any substance concerning

what the State and its subgrantees will be *doing* during *this year* is a single phrase in a "fiscal" provision calling, without explanation, for "a general description" of how funds retained at the State-level for each program will be used.[1]

Instead, ED asked several questions concerning the State's goals for consolidation and how the State intended to develop final plans for the *1996-97* school year. These questions could be useful in setting States on the road to future planning (although they too, because of the wording of the questions and the nature of the review process, often generated very vague responses) -- but they say virtually nothing concerning the actual plan for 1995-96.[2]

In effect, ED has treated this year's programs as if they were merely planning grants for the future. In recent years, Congress has started new State-grant programs (notably Goals 2000 and the School-to-Work Opportunities Act) by providing an initial, start-up year with modest funding for planning grants, to be followed by implementation funds *after* a plan is developed. The problem here is that this was not start-up, planning money. Billions of dollars were handed out under *existing* programs -- including Title I, the Perkins Act, the McKinney Act, etc. -- to provide services to millions of children *this year*. The implementation dollars are already being spent. But, without a real plan for implementation, scant attention was paid to how the programs would be run and the services provided.

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[1] States were asked to respond to very limited fiscal, rather than programmatic, questions -- namely the total amount of funds that the State will use for State-level activities, including the amount to be used for State administration, and the procedures/criteria for distributing funds to school districts where the federal statute provides no formula. (In addition, they were asked to identify the total amounts of funds to be used for administrative functions unique to migrant education, and a "general description" of how those funds would be used.) None of these, except the "general description," go to the substance of what the State is doing to carry out the programs. (There was also, in response to a requirement in the Act, an inadequately framed question concerning equity, discussed in section, see p. 8 below.)

[2] ED seemed to indicate that the questions concerning goals for consolidation, and how the goals relate to the needs of intended beneficiaries, were intended to focus on what the goals were going to be for the final plan. But even if they were intended as the goals for shaping the plan for 1995-96, and even if the questions had been worded differently so that they produced more than the typical answer regurgitating the Act -- for example, one State said its goal was "To improve teaching and learning by encouraging greater coordination in the planning and delivery of educational services" -- they would still not counter the fact that there is no 1995-96 *plan* for running the programs in a way designed to help achieve those goals.

For the largest program -- Title I, funded at $7.2 billion for 1995-96 -- the loss of focus for the year is particularly damaging. This year is the first implementation year under a dramatically rewritten Title I, aimed at promoting much higher academic outcomes for disadvantaged children, with drastically different requirements and expectations for States, school districts, schools, teachers, parents, and children. For example, the law now requires that schools provide an enriched and accelerated curriculum, effective instructional strategies, highly qualified staff, sustained and intensive staff development, and much more extensive parent involvement.

The State is responsible for ensuring that these changes are carried out. Further, under the law, a separate Title I State plan would now have to spell out how the State will help each LEA and school meet these various new requirements. Because of the "preliminary plan" process, however, States were not asked to address that question. Thus, there is no plan for how to make these major changes and how to serve the millions of children now in the program in a way which conforms to these new requirements. As a result, a large proportion of Title I programs are being run this year in the same manner as last year's Chapter 1 program, despite Congress's having mandated major change because of dissatisfaction with the old methods.[3]

This grim analysis is confirmed by a review of the State plans themselves. States often gave a vague "general description" of their State level activities, instead of developing a coordinated plan for carrying out the important reforms required under Title I and other programs -- because that is all they were asked to do. In one typical example, a State described its uses of Title I funds:

> Title I funds will be used to enable schools to provide opportunities for children served to acquire the knowledge and skills contained in the [State content and performance standards developed for all children]. Nearly all funding is directly provided to the local districts except for $200,000.00 for Title I Program Improvement and $400,000.00 for the administration of the remaining funds ... to the LEAs.

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[3] Similarly, the other programs in the rewritten Elementary and Secondary Education Act which are the subject of consolidated planning are operating under new program requirements for the first time this year. This includes Even Start; migrant education; programs for neglected, delinquent or at-risk youth; professional development; Safe and Drug-Free Schools; and Innovative Education Program Strategies.

Moreover, interviews confirmed that inadequate plans were not just a matter of paper filed with the federal government. They reflected inadequate planning to meet the needs of children. In particular, they confirmed that, in the actual operation of the programs for children, Title I was often still being run in the old Chapter 1 paradigm as if the dramatic changes enacted by Congress had not been enacted.

The "preliminary" plan label is misleading. The reality is that, for purposes of running this year's programs and spending billions of dollars, this year's "preliminary" plan is the plan. Nothing in the Act, or elsewhere, compelled ED to take this approach of creating "preliminary" plans as distinct from "final" plans, let alone allowing preliminary plans to count as compliance or draining those plans so thoroughly of meaningful content.[4]

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[4] ED, in commenting on the draft of this report, does not dispute the essential accuracy of our analysis of this year's plans or the results of the interviews with State officials. Indeed, "the Department understood that very few, if any, States had done the groundwork necessary to develop meaningful consolidated plans by the Spring of 1995" (ED's Responses to the March 14, 1996 comments of the Center for Law and Education on Criteria for Final Consolidated Plans, p. 4), and "CLE provides informative insights into significant problems that a number of States appear to have had or be having implementing new ESEA provisions" (*Id.* at p. 5). ED argues, however, that no approach -- such as more precise planning documents for consolidated plans or working instead on separate program plans -- would have remedied these problems or provided "time for quality and meaningful participation" for this school year (*id.*). CLE believes, in contrast, that with the language of the Improving America's Schools Act of 1994 having been finalized in a House-Senate conference agreement in *September 1994*, and with the shape of much of it known well before that, a concerted effort to help States focus on and plan for enabling local programs to be ready for the new local requirements (particularly for Title I) in *September 1995* could have produced different results. ED also argues that Title I has been administered since its inception with no State plan at all, without widespread misapplication of federal funds (*Id.* at p. 4-5). Again, however, the issue is not past fiscal compliance. Congress -- out of a need to break with the past -- enacted far-reaching local program quality and parent involvement provisions for 1995-96, and asked States (as a condition of receiving $7.2 billion in funds) to help each LEA and school develop the capacity to comply. As our interviews (and any time spent in the field) reveal, many schools' Title I programs have yet to incorporate those changes.

B. While there will be plans for 1996-97 and beyond, those plans also are likely to fail to meet the goals and requirements of law or the needs of students.

The Department does recognize the need for a meaningful plan and plan structure for 1996-97 onward. The Department's final criteria start with a useful overall structure for coordinating the various programs around the goal of higher academic achievement for all program beneficiaries. Thus, the criteria focus on:

- the State's goals for academic achievement of all children in core academic subjects, challenging academic content and performance standards in accordance with Title I and, if applicable, Goals 2000, appropriate aligned assessments and a rigorous definition of adequate yearly progress on those assessments, also in accordance with Title I;
- the strategies and activities for assisting the State's school districts and schools to meet the goals, and how the State will use the federal funds, in coordination with State and local resources, to carry out those strategies and activities;
- ongoing review to determine if the strategies are being implemented at the local level and whether they are effective, and use of this information to make needed changes in the objectives, strategies, activities, and use of resources; and
- provisions to ensure and maintain public involvement, fiscal accountability, and equitable access and participation.

The criteria connect these various pieces in a coherent way, and make frequent references to the need to describe these components in relation to each of the specific programs, to the goals as well as target populations of those programs, and to each of the other components. These strengths are notable.

Nevertheless, we are forced to conclude that the States have not been given enough help and guidance to ensure that they will develop plans of the kind that both Congress and the Department have envisioned. This conclusion is unfortunately bolstered by a look at how States responded to the criteria for preliminary plans, including those questions that asked them about their final planning.

First, the criteria fail to give States one major source of help that would make the task of figuring out how to meet the requirements under each of the programs in a coordinated way much easier. Consolidating State planning into a coherent whole -- integrating all the resources and all the requirements of the applicable programs in a way which most effectively enables children to reach high standards -- is complicated, hard work. The Department could and should have helped the States by identifying, grouping by topic, analyzing all the various requirements of each

program (e.g., the requirements on standards or staff development), and then pointing out relationships among them, along with suggestions for possible approaches to addressing them.

A plan which both is coherent and meets all the constituent requirements cannot be developed without this work of identification and analysis. To require 50 States to each go through that statutory identification and grouping process is highly inefficient. Further, given the limits on State education departments' resources to carry out this task, in comparison with ED's, many plans inevitably will not be based on this necessary foundation.

ED has asserted that laying out and organizing these requirements would impose additional burdens on States. However, the States, by law, already have the burden of coming up with a plan for running the programs in a way which meets all of those requirements. There is no proper way to coordinate the programs without understanding what they require. Certainly, it could only be a help if the Department were to give a handy guide to those requirements, grouped in a sensible order as background, which would make it easier to coordinate. This also would have made it easier to identify overlapping requirements and eliminate duplication. This is not a matter of asking States for anything additional; rather it is a matter of giving them something more which would ease their burden.[5] Indeed, State education officials told CLE it would have been very helpful.[6]

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[5] CLE is not suggesting that there is only one right way to group the various requirements by topic, nor that State plans should then be required to explain how the State will meet every distinct requirement. Rather, the duty is to develop a plan for running the programs in a coordinated way which will meet all the requirements. (Thus, ED's comments misunderstand our suggestions. See *Id.* at p. 7) ED's failure to gather, analyze, and present the information about the requirements from the various laws in a coherent way is a real hinderance to this State task. For example, the proposed criteria urge States to include those individuals and groups that would be involved in individual programs' plan development. How much more useful to go on to provide the specific information about which parties are identified in the laws covering those various programs. The same should happen in those areas where the guidance does not even make the same general reference (e.g., professional development provisions, instructional strategies, monitoring requirements, etc.).

[6] In addition, the most recent meeting of States held by the Department on March 28-29, 1996, revealed that States are, in good faith, still looking for guidance in understanding basic provisions of Title I, enacted one-and-a-half years ago; they wanted answers to questions about the meaning of some of the requirements as well as assistance in understanding good options that they might choose in meeting them.

The risks here are by no means trivial. Critical provisions exist for these programs that are nowhere mentioned in the criteria. The risk that these provisions will be overlooked in developing a plan are heightened by the fact that many of them are still not well understood across the country. For example, under the Carl D. Perkins Vocational and Applied Technology Education Act, three key goals are: integrating academic and vocational education; giving students strong understanding and experience in all aspects of an industry; and identifying and eliminating barriers resulting in unequal rates of participation and success for special populations in quality programs. These three goals are found in both local evaluation requirements and in the criteria that the State must assess and then plan for in developing its State plan. None of these are mentioned in the consolidated State plan criteria.

Other examples of key provisions abound in Title I, in the professional development programs under Title II, in the McKinney Act protections for homeless children, in the School-to-Work Opportunities Act, and in Goals 2000. ED's criteria remind the States that their plans must be developed in a way that meets all those underlying requirements. Unfortunately, it leaves the States without much help in hunting for each of those requirements in the different statutes and organizing them into a coherent whole.

Contrary to the implication that these requirements are pesky details, technicalities which should be handled by a blanket assurance, so that States can get on with the serious business of standards-based reform, these provisions are critical pieces of the reform process, enacted by Congress over the last several years in order to shift the focus of recipients from mere fiscal compliance to program quality and to ensuring that the needs of children for quality education are identified and met. Guidance should thus have linked these provisions to the broad school reform categories that provide the structure for ED's criteria.

In its response to CLE comments on the proposed guidance for final plans, the Department also stated that preparing this information for States would have delayed issuance of the criteria. CLE suggested this approach several times, starting over a year ago in February, 1995. Moreover, if this were too burdensome a task for the U.S. Department of Education -- identifying the requirements in the statutes it administers -- what can we expect from 50 different State departments of education, with smaller legal staffs and often less familiarity with the federal legal requirements? Our interviews confirmed the extent to which recent turnover and staff cutbacks in

State offices make the task even harder. Thus, the strategy of forcing the 50 offices to all do that same research, when ED could have laid the foundation once, is even more unfortunate.[7]

Second, the criteria are not clear enough about the kinds of responses that are needed. States will tend, therefore, to write responses that are vague or simply regurgitate the law or criteria, without identifying their concrete plan to implement the law. This is clear from many of the answers to analogous questions in the preliminary plan criteria. For one typical example, in providing a "description" of how it will involve a variety of parties in the development of the final plan, one State said the team which drafts the plan is also responsible for "provid[ing] opportunity for involvement in development of the plan by key individuals such as the governor, state program officials, LEA and school administrators, pupil services personnel, adult education administrators and others."[8]

This pattern was confirmed by one frank interview response from a State official: "Regurgitation of the federal language makes [the U.S. Department of Education] feel comfortable. If you give more than [the Department] asked for, it gets confused and [feels obligated] to review it."

This need not have happened. In one instance, ED has constructed an instruction that does seem more specific:

> In addressing this item, States should specifically describe, as applicable to each of these programs included in the plan, the procedures that they

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[7] ED argues that it was not required to carry out CLE's suggestion, and that such an approach would hinder the purpose of States' consolidating their plans for overall education reform and would discourage State innovation, noting that ED wished to "avoid a 'cookie cutter' approach" and "avoid a Federal 'big brother' stance" (*Id.* at p. 6-7). It is very difficult to understand how ED's grouping the various existing provisions by topic (e.g., the staff development provisions) and pointing out linkages in a school reform context would be harmful, let alone discourage innovation or raise the specter of "big brother." Presumably, a State's innovation does not depend upon either its ignoring these provisions or its hunting them down for itself. Innovation consists of actually designing the State's programs. Only the State can do that, and nothing we propose suggests otherwise.

[8] Aside from simply repeating the same parties named by ED in the question itself, such answers typically either describe no real process, such as in this case, or do not describe the plan by which it will happen but only the group or mechanism by which the process will later be planned.

have adopted (1) to calculate the amount of subgrants, and (2) to apply statutory or other selection criteria (rather than simply identifying the statutory language) in selecting subgrant recipients.

A similar approach could and should have been used throughout.[9]

C. The guidelines undermine, and are not consistent with, key provisions for ensuring equity in education.

Section 427 of the General Education Provisions Act now requires that applications for federal aid, such as a State plan, describe "the steps such applicant proposes to take to ensure equitable access to, and equitable participation in, the project or activity to be conducted with such assistance, by addressing the special needs of students, teachers, and other program beneficiaries in order to overcome barriers to equitable participation, including barriers based on gender, race, color, national origin, disability, and age." The criteria for final plans, as well as the preliminary plan criteria, undermine this requirement in two ways.

First, the criteria limit this requirement by failing to apply it to what matters the most -- the participation of students in the *local* programs carried out with that federal aid. The State has legal oversight responsibility for ensuring that the law is

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[9] Commenting on this issue, "The Department has learned from the experience of reviewing preliminary consolidated plans which sometimes did not address matters in as specific a manner as one might prefer." (*Id.* at p. 8.) ED believes, however, that it has sufficiently indicated the need for more clarity and that it is, as required by the Act, seeking to minimize States' burden and avoid voluminous details which do not contribute (p. 7-8). Calling for descriptions that let the reader know what it is the State is concretely going to do would not, we believe, require unnecessary voluminous detail. The contrast between the example cited above where ED's instructions are clear and the more frequent examples where questions are asked in the same way that generated vague pro-forma responses in the preliminary plans shows otherwise. Moreover, as our interviews indicated (and a review of State plans for past years would reveal), the tendency toward "regurgitation of the federal language" is long-standing and cannot be fully explained by lack of time in developing the preliminary plans. CLE is pleased that ED says that, if its expectations for sufficient detail are not met, it can work with States to improve the plans or establish conditions for their continued effect. CLE agrees that a consolidated plan should be an evolving document. Greater clarity at the front end, however, would reduce the need for revisions simply to describe the State's actual plan, as opposed to revisions that reflect evolution of that plan.

carried out at the local level. Instead, the criteria require the State to describe only the steps it will take to overcome barriers to participation in "state-level activities," such as in staff development sessions conducted by the State.[10] The vast majority of students, of course, do not participate directly in State-level activities. The equity problems they experience are at the school and district level. While the criteria do tell States that they must obtain a description of equity activities from local recipients, they omit any provision for having the State describe what it will do to ensure that the programs at the local level will provide equity. The interviews confirmed that States had not considered how to ensure equity in the local programs when doing their plans.

Second, even for "State-level activities," there is often no way to tell whether the State's equity activities are based on, let alone will actually overcome, barriers to equitable participation. There is no provision for describing the steps the State will take for determining whether equitable access is being provided and for identifying the actual barriers to such access. Yet, those surely are "steps . . . to ensure equitable access . . . and equitable participation." One cannot "ensure" equitable participation without knowing whether it is occurring. Similarly, there is no provision for describing the results of that determination, including the barriers identified, or how the activities will address those specific barriers. Thus, there is no way to get at any failure to identify the barriers that are causing denial of equity or failure to develop and implement steps adequate to eliminate those barriers. Instead, the Department accepted responses such as:

> All activities and programs conducted with administrative funds reserved at the state level will be open for participation by students, teachers, and other beneficiaries with special needs. In addition the planning process for activities will consider the special needs relating to gender, race, national origin, color, disability, and age. By making equitable participation a consideration in all planning and development activities the State Educational Agency will seek to ensure that no

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[10] For example, one State responded by stating that it "will ensure equitable access to and participation in state-level activities for students, teachers and other beneficiaries with special needs through appointment on various advisory committees, participation in state conferences, state professional development opportunities, public comment notices, State Board of Education's open forums, and opportunities to participate in SEA awards, recognition, and competitive grants as appropriate."

group's special needs will be overlooked. Members of the department's Equity office will be included in activities to the maximum extent possible.

In fact, instead of an objective process for identifying any barriers to equitable access and participation, the criteria again convey a sense that the focus is on whatever the State chooses to identify as a problem.

Also, here again the failure to tap valuable provisions of the various programs is a problem. In particular, the Perkins Act requires recipients annually, with the full participation of representatives of members of special populations, to identify and take steps to remove barriers resulting in unequal rates of participation or unequal rates of success in quality programs. At the State and local levels, Perkins also requires plans and applications to describe how equity was assessed, the results of that assessment, and the steps that will be taken. This approach is noteworthy in several respects. It articulates a clear trigger for raising an equity concern -- namely unequal rates of participation and success in quality programs. It ensures that special populations themselves are represented in the process of remedying and identifying the barriers, and it requires description of the processes for identifying the problems, the results, and the steps to be taken. These are the minimum components in any steps to truly ensure equity.

Finally, there are no follow-through requirements to determine if the steps are working. Surely equity is not ensured unless there is such follow-through. A description of those steps could be linked to continuous improvement provisions in another part of the criteria.[11]

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[11] ED's response to this portion of the report is premised on the unsupported and surprising assertion that, in wanting a description of the State's equity efforts, Congress was concerned only with the presence of students in State-level activities (a relatively non-existent phenomenon), rather than with State-level activities designed to ensure equitable participation in the federally supported local programs which the State oversees (*Id.* at p. 12-13). Further, contrary to ED's assertions, the State need not know in advance the details of each local program's future plans in order to design an initial set of steps linked to the reform process for determining and overcoming barriers throughout the State. Moreover, ED does not explain how a State can assure equity and overcome barriers, even in State-level activities, without a process for determining current problems, following through on success in correcting them, and involving the affected populations in the process -- steps which ED characterizes as "massively burdensome" (*Id.* at p. 13).

D. Parents and the public are excluded from meaningful involvement in the plan

The final criteria stress the importance of maintaining public involvement in the development, implementation, review, and modification of programs, and they do list some of the kinds of activities (such as training) that might be undertaken to involve parents. Here too, however, the actual provisions are insufficient to achieve the stated purpose.

First, as elsewhere, while the criteria direct States to focus on the parent and public involvement requirements of the various programs, no effort has been made to help the States by pulling together those various provisions, many of which are quite significant (such as those in Title I), and will surely be overlooked.

Second, also as elsewhere, the criteria are not helpful enough in identifying the level of detail or kind of description that will actually result in and reflect meaningful participation, rather than just parroting the act or vague descriptions.[12]

Third, no provision is made for involving (a) secondary school students or (b) advocates who represent the interests of parents, students, or communities. Again this is in contrast to the actual requirements of programs being consolidated, such as Perkins and Goals 2000, which require the involvement of these parties.

Fourth, and probably most important, there can be no meaningful involvement in the development of a plan to the extent that there is no plan to be involved in. This was certainly the case for the "preliminary plan" -- the only plan in effect for the current school year.[13] The problem, however, extends into the final plans as well. When plans consist of vague statements, and when there is no way for people easily to assess the adequacy of a plan against various program requirements that the plan

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[12] The preliminary plan asked States to describe "how the planning process will involve key individuals such as Governors, State program officials, LEA and school administrators, private school administrators, teachers, pupil services personnel, adult education administrators, and parents." A number of States responded with little more than a statement that these groups would be involved. Because the criteria for the final plan ask essentially the same question, but in past tense -- i.e., how these groups were involved in developing the final plan -- the responses are likely to be similarly unenlightening.

[13] ED did not ask States to include any descriptions of how parents or the public were involved in developing the preliminary plans, but the absence of a meaningful plan would have made such a description largely irrelevant.

is supposed to implement, then the notion of parent or public involvement is undermined. It allows no real opportunity for grappling with the hard issues that go into developing a plan which really meets the needs of students.[14]

IV. Implications for the Future

The problems documented in this report should be kept in mind when ED develops guidance, criteria, and training for peer reviewers of the final consolidated State plans, and in monitoring and improving the process henceforth.

Beyond that, these findings should be taken into account as the nation considers block grants, which would consolidate various programs into one and eliminate many of the specific requirements for planning and implementing those programs.

Both the results of the experiment with a non-plan for spending federal dollars during this 1995-96 school year, and the problems documented with the consolidation guidelines for next year demonstrate that an adequate plan is not just a piece of paper. Without adequate planning and program structure:

A. The task for States and localities of reforming our schools so that they enable all children to meet high standards changes from merely challenging to impossible;

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[14] Commenting on our report ED has said, "While the criteria for final plans are similar to those preliminary plans with regard to public involvement, the language is not the same. We believe that the new language clarifies an expectation of greater specificity." (*Id.* at p. 14.) Moreover, ED "expects that States will at least use . . . the forms of public engagement that work well for State and local matters," driven by their own need for better public participation and support (*Id.* at p. 15). These comments do not directly answer the points made above. Further, the fact is that, with limited exceptions, public and parent engagement in State planning in the past has *not* worked well, either in the preliminary consolidated plans or in prior years' separate program planning. Unless we choose to interpret the very low numbers of parent and public comments typically attached to State plans as a sign of massive support by the public and parents who have been actively informed and engaged in the process, we should recognize that very general clauses calling for public and parent involvement have not worked and much clearer guidance is needed.

B. The continuing march to fulfill our national commitment to equity in education, which is critical to any notion of equal opportunity in the larger society, retreats behind a veil of vague statements and uncertainty;

C. The notion of real involvement by parents and others in the public planning process for education evaporates -- both because the provisions for that involvement are not well laid out and because in any event there is no meaningful plan with which the public can engage and react.

CLE is concerned that the rhetoric of "flexibility" and the fear of "mandates" have become so pervasive that key provisions for program quality, equity, and participatory planning go unimplemented and clear continued patterns of low achievement, disparities in the education provided to disadvantaged children, and lack of real parent involvement go ignored. Labeling efforts to get at the roots of these problems as "big brother" or "inflexibility" gives a license to maintain the status quo rather than to make school reform a reality. To the degree that this rhetoric results in weakening the federal role, it will feed a self-fulfilling prophecy -- inadequate implementation of federal programs will fuel charges that they are not producing results.

Stripping federal programs of adequate structure and oversight -- of the provisions designed to promote and ensure program quality, equity, and participatory planning -- does not promote reform. Rather, by eliminating the tools designed to bring about reform, it protects business as usual in education, to the detriment of children and our nation. The weaknesses in federal agency action documented in this report should thus give no comfort to those who want to weaken it further -- resources, responsibility, and oversight at the federal level are all critical to addressing national needs.

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Acknowledgements: CLE wishes to thank the State and federal officials who cooperated in this study. The conclusions in this report should in no way be taken as calling into question the good intentions of those officials. Examples from State plans are cited not to embarrass any States but rather to draw attention to a federal process that is not working as it should.